

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and THEFACEBOOK,
INC.,

Defendants.

MARK ZUCKERBERG, and THEFACEBOOK,
INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

District Judge Douglas P. Woodlock

**ASSENTED-TO MOTION FOR LEAVE TO FILE FACEBOOK DEFENDANTS' REPLY
TO PLAINTIFF'S OPPOSITION TO FACEBOOK DEFENDANTS' MOTION TO
DISMISS**

Defendants Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and TheFacebook, Inc.¹ ("The Facebook Defendants") hereby move for leave to file a reply to Plaintiff's Opposition to Facebook Defendants' Joint Motion to Dismiss ("Reply").

The Reply is necessary to address new issues raised in Plaintiff's Opposition and to clarify the record for the Court. Plaintiff's Opposition contains numerous legal and factual errors which must be corrected. New issues raised in the Opposition include new arguments by Plaintiff relating to standing, including cure and mistake, as well as issues relating to numerous new factual assertions by Plaintiff.

Facebook Defendants' Reply (Exhibit A) will clarify these issues and assist the Court in ruling on Facebook Defendants' Motion to Dismiss.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Counsel for Facebook Defendants certify that pursuant to Local Rule 7.1, the parties have conferred regarding the issues presented by this motion, and that counsel for Plaintiff ConnectU (Troy E. Grabow) consents to the filing of the Reply.

¹ Defendant Eduardo Saverin is represented by separate counsel in this matter.

Dated: November 8, 2005.

Respectfully submitted,

/s/ Robert D. Nagel /s/

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THEFACEBOOK, INC.

* Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2005, a true and correct copy of the foregoing document was served on counsel of record by use of the Court's ECF system.

[[/s/]] Robert D. Nagel

Robert D. Nagel*

* Admitted Pro Hac Vice

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